

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

M.Z.,	:	CIVIL ACTION
<i>A Minor, by His Parent and Natural</i>	:	
<i>Guardian, D.Z., et al.</i>	:	
	:	
v.	:	No. 11-2313
	:	
BETHLEHEM AREA SCHOOL DISTRICT	:	

**ORDER**

AND NOW, this 8<sup>th</sup> day of July, 2011, it is ORDERED:

- Defendant Bethlehem Area School District's (the District) Motion to Hear Additional Evidence (Document 10) is DENIED;<sup>1</sup>
- The District's Motion for Judgment on the Administrative Record (Document 22) is DENIED;
- Plaintiff M.Z.'s Motion for Judgment on the Administrative Record (Document 11) is GRANTED;
- Judgment is entered in favor of M.Z. and against the District; and
- The District shall provide M.Z. with a publicly funded Independent Educational Evaluation (IEE).

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<sup>1</sup> The District seeks to add to the administrative record the updated report it created after the Hearing Officer issued her decision denying a full IEE. This Court has broad discretion to decide whether it is appropriate to admit additional evidence into the administrative record. *Susan N. v. Wilson Sch. Dist.*, 70 F.3d 751, 760 (3d Cir. 1995). After consideration of both parties' arguments regarding this evidence, this Court finds the updated report is not relevant to the central issue in this case, which is whether or not the Hearing Officer erred when she failed to order the District to complete a full IEE. While such evidence is undoubtedly relevant to the question of whether M.Z. remains entitled to special education services, that issue is not presently before the Court. The District's request to supplement the administrative records is therefore denied.

The Clerk of Court is DIRECTED to mark this case as CLOSED.

BY THE COURT:

\s\ Juan R. Sánchez

Juan R. Sánchez, J.